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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/828,601      | 04/06/2001  | Steven L. Eikenberg  | USAM117030          | 5690             |

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EXAMINER

BUMGARNER, MELBA N

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 06/20/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                      |
|------------------------------|-----------------|----------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)         |
|                              | 09/828,601      | EIKENBERG, STEVEN L. |
| Examiner                     | Art Unit        |                      |
| Melba Bumgarner              | 3732            |                      |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 18-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .    |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>15</u> . | 6) <input checked="" type="checkbox"/> Other: <i>FR 2,233,032 translation</i> . |

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 22, 23, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Limitations in the new claims of at least one waste sink, at least one water source and at least one circuit board were not described in the specification; therefore, they are considered to be new matter.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 7, 10, 18-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Bailey et al. Seidman discloses a portable dental treatment system comprising at least one dental bracket table 1, at least one portable base unit 6 including the mechanisms needed to start up dental instruments

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inside, and at least one suspension device 7,8 couplable between the at least one dental bracket table and the at least one portable base unit; however, Seidman does not show the mechanism being at least one suction pump. Bailey et al. teaches a portable dental treatment system comprising a portable base unit including a suction pump 70. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Seidman to include the suction pump. One would be motivated to make such a modification to provide suction to conventional dental suction instruments for removing waste during dental treatment. As to claim 2, Seidman shows the at least one table comprising a dental hand piece holder. As to claim 3, Bailey et al. teaches the base unit comprising an air compressor 33. It would have been obvious to modify the system of Seidman to include air compressor to directly provide compressed air to various hand pieces or to pressurize a reservoir of fluid used in dental treatment as taught by Bailey et al. As to claim 4, Seidman and Bailey et al. show the at least one unit comprises an enclosure. As to claim 6, the at least one device comprises a first member 7 operably coupled with a side of the at least one unit and a second member 8 at least partially transverse to the first member, the second member having a first end 11 operably coupled with the at least one table and a second end 13 operably coupled with the first member. As to claim 7, the first member is rotatably attached to the side. As to claim 10, the second member is rotatably attached to the at least one table. As to claims 18-21, 24, and 25, Seidman show the method of assembling a portable dental treatment system of above, the device structured to allow a dental patient chair to be

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positioned substantially below the table. As to claim 23, Bailey et al. teach the base unit comprising at least one water source (column 4 line 16).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Bailey et al. and further in view of Hoffmeister et al. The modified system of Seidman and Bailey et al. shows the limitations as described above; however, they do not show the suspension device comprising a curved member. Hoffmeister et al. teach a dental treatment system comprising at least one device having a curved member 54. It is held to be an obvious matter of choice to one of ordinary skill in the art as to the shape of the member as in Hoffmeister et al. to serve as a suspension device for the table. The specific shape of the member is not critical to the claimed invention, since the applicant contemplates other configurations.

6. Claim 8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Seidman in view of Bailey et al. and further in view of Jones. The modified system of Seidman and Bailey et al. shows the limitations as described above; however, they do not show a mounting bracket. Jones teaches a dental system comprising a mounting bracket affixed to the side of the unit and having a circular opening (figure 2) and the first member insertable in the opening. It would have been obvious to one having ordinary skill in the art to further modify the system to have the mounting bracket of Jones to have the suspension device secured to the unit.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Bailey et al. and further in view of Beier et al. The modified system of Seidman and Bailey et al. shows the limitations as described above; however, they do

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not show the second member integrally molded with the first member. Beier et al. teach a dental treatment system comprising the suspension device (first and second members) integrally molded 8. It would have been obvious to one having ordinary skill in the art to further modify the system to have the members of Beier et al. to form a device in one piece for ease of manufacturing and assembly.

***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The dental treatment systems are portable in that they are shown to be "capable of being carried or moved about" (Merriam-Webster's Collegiate Dictionary).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

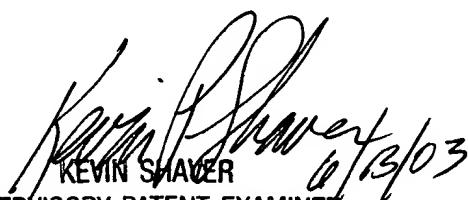
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is 703-305-0740. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-308-2708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



Melba Bumgarner



KEVIN SHAVER  
SUPERVISORY PATENT EXAMINER  
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a/3/03